

**MINORITY VIEWS OF RANKING MEMBER ROBERT A. BRADY,
REP. ZOE LOFGREN AND REP. CHARLES A. GONZALEZ**

Smithsonian Institution

The Democratic Members support the Administration's full budget request for the Smithsonian Institution, the world's most respected museum and research complex.

Noteworthy in 2012 was the February ground-breaking for the Smithsonian's National Museum of African American History and Culture on the National Mall, attended by President Obama, which our Committee and the Congress authorized in 2003 and which is anticipated to open in 2015. We urge the Appropriations Committee to fulfill Congress's commitment of Federal funds, which along with private funds being raised by the Smithsonian will help to ensure completion of this historic project on schedule.

Our Committee has no jurisdiction over foreign policy under clause 1(k) of House Rule X. This fact has apparently been overlooked in the majority's criticism of Smithsonian Journeys' new "people to people" exchange trips to Cuba. They complain that the Smithsonian's participation "lends an imprimatur of government support for these trips." Just to be clear, it is the United States government which has authorized and licensed these trips.

Smithsonian Journeys is part of Smithsonian Enterprises, which operates in the commercial marketplace to produce unrestricted trust fund revenues which may be spent for the Smithsonian's operations. The Smithsonian's travel program, like many similar ones operated by museums, universities and other organizations across the country, has been licensed by the Office of Foreign Assets Control of the Department of the Treasury, is consistent with American law and policy, and buttresses the Smithsonian's overriding mission to support "the increase and diffusion of knowledge."

The majority discusses the growth of the Federal component of the Smithsonian's budget, but offers no specific criticisms or suggestions for cuts in the \$856 million request, with one exception. They pick on the \$1.6 million to

fund the President's proposed 0.5 percent pay raise for Smithsonian employees. The Smithsonian is required to provide the 0.5 percent raise, unless the amount is changed by Congress as provided by law. If the funding were removed, the Smithsonian would have to absorb the costs of the raise and cut other programs. The Democratic members support full funding of the request.

Bipartisan Legal Advisory Group contract/DOMA

The Republican views and estimates do not address the continued waste of taxpayer dollars by the House Bipartisan Legal Advisory Group to defend the indefensible and unconstitutional "Defense of Marriage Act". Continued defense of DOMA at any cost is inexcusable. The Administration has rightly refused to defend a law that serves only to institutionalize discrimination. On February 22, 2012, a United States District court roundly and decisively rejected the constitutionality of DOMA. Continuing to waste tax dollars in the pursuit of intolerance is unconscionable and unacceptable.

The original contract for \$500,000 to the firm Bancroft PLLC was approved without proper vetting or review. The contract was later extended to \$750,000, still without Democratic consultation, and includes an option to extend to \$1,500,000. Given the lack of transparency in this process, we have every reason to believe the cost could continue to rise indefinitely.

Furthermore, no one seems to know where the funds are coming from. There has been no appropriation for this increased expense. There has been no mention of the funding source in the contract extensions. There is no record of a payment being made in the statement of disbursements. By improperly committing taxpayer funds without appropriate authorization, this action may be a violation of the Anti-Deficiency Act. The Republican majority promised greater transparency in government, but these actions do not live up to that rhetoric.

As the majority continues to search for new budget cuts, we see no reason to spend any more on a contract that was approved without proper vetting, that may violate federal anti-deficiency laws, and that serves no purpose except to defend discrimination.

Presidential Election Campaign Fund

We disagree with the Majority's views and estimates related to the Presidential Election Campaign Fund (PECF). H.R. 359 and H.R. 3463, Republican-sponsored bills passed by the House but not considered in the Senate, would terminate the fund. The PECF was created in the aftermath of the Watergate scandal in an attempt to restore faith in and integrity to our electoral process. Every Presidential election since 1976 has been financed at least in part with public funds. The fact that President Obama received such unprecedented support from small donations that he was able to forego PECF support is no reason to end the fund. It allows every taxpayer the opportunity to make political contributions. Further, if the Fund were eliminated, the \$195 million balance would be transferred to the Department of the Treasury's general fund in contravention of the promise made to the millions of taxpayers who contributed. Simply transferring the funds by act of Congress would be tantamount to a misappropriation of taxpayer contributions.

Election Assistance Commission

Twice during the first session of the 112th Congress, the Republican members of the Committee on House Administration have tried to eliminate the Election Assistance Commission. First, the Committee considered and reported H.R. 672, a stand-alone bill to eliminate the EAC and transfer some of its duties and functions to the dysfunctional Federal Election Commission. On the House floor, the bill was defeated under suspension of the rules. The Majority then brought to the floor H.R. 3463, a grab-bag bill to kill both the EAC and PECF, without moving it through the Committee for mark-up. H.R. 3463 passed the House but has not been considered in the Senate.

The Majority complains that the EAC spends half of its budget on administrative and indirect costs, suggesting that this is a reason for its termination. Of course, Members of Congress spend 60%, 70%, and even 80% of our budgets on personnel because we know that government involves more than giving out grants. The EAC issues reports on changes in election administration and best practices for local election officials, and conducts vast data collection and analysis from every state and local government. These reports save state and local election

officials millions of dollars while improving the voting experience for our citizens and improving the security and accuracy of the results. In other words, the EAC spends most of its budget pursuing its statutory duty-- to assist local election officials.

In light of drastic and sweeping changes to election law at the state level, the EAC's role as an information clearinghouse is more crucial now than ever. A "War on Voting" imposing voter ID requirements and registration restrictions and curtailing early and absentee voting has created new hurdles for voters and local election officials. The EAC, as we have heard from Democratic and Republican state and local government officials from coast to coast, is invaluable to them in facing this challenge.

Failure of the Senate's Republican minority to allow action on nominations has left the EAC with an acting-executive director and no sitting commissioners. The Senate should overcome this obstructionism and act swiftly to guarantee that the agency has the proper tools to do its job. Especially in a presidential election year, it is our clear duty and imperative to fulfill our obligations to the American people and the laws of the United States by providing the EAC with the funding and staff necessary for it to operate fully.



Robert A Brady



Zoe Lofgren



Charles A. Gonzalez

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